IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

FRIDAY, THE 17TH AUGUST 2007 / 26TH SRAVANA 1929

WP(C).No. 21960 of 2007(L)

PETITIONER:

VARKEY JOSEPH,
MANNANTHURUTHIL, EDATHUA, KUTTANAD, ALAPPUZHA.

BY ADV. SRI.J.OM PRAKASH

RESPONDENTS:

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1. THE ADDITIONAL DISTRICT MAGISTRATE,
ALAPPUZHA.

2. THE ASSISTANT EXECUTIVE ENGINEER,
ELECTRICAL SUB DIVISION, EDATHUA.

BY ADV. SHRI.P.P.THAJUDEEN, SC, KSEB
ADV. SMT.M.K.PUSHPALATHA, GOVERNMENT PLEADER

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 17/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

C.N.RAMACHANDRAN NAIR, J.

WP(C) No. 21960 of 2007

Dated, this the 17th day of August, 2007

J U D G M E N T

Heard learned counsel for the petitioner and the learned Standing Counsel for KSEB. A transformer was installed in petitioner's property for giving connection to his ice cream plant. The transformer was installed in 1974 and the minimum guarantee expired in 1984. Distribution line was drawn from the transformer for giving connection to others. Petitioner applied for shifting of the transformer from the western side of his property to the eastern side, which was done by the KSEB. However, the case of the KSEB is that, after shifting the transformer, petitioner refused to permit drawal of L.T. line for retaining connection to other consumers, who were served from the same transformer. The sketch produced by KSEB shows that the line presently proposed is over the boundary of petitioner's property for giving connection to such of the persons who were given connection prior to shifting of transformer. Even though petitioner's contention is that the line proposed is above his house, the sketch produced by KSEB does not show drawl of line over petitioner's house and the line in the sketch is through the

boundary of petitioner's property. I do not think that petitioner, after shifting of transformer on his own request, can oppose the LT line drawn from the transformer for giving connection to other consumers in the area. However, if the line is passing through the middle of his property or over his house, it should be shifted, if necessary, after further shifting the transformer to the boundary of petitioner's property. KSEB is directed to draw the line through the boundary of petitioner's property without affecting his house.

This writ petition is disposed of as above.

(C.N.RAMACHANDRAN NAIR, JUDGE)

jg